IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION Nos.22211, 22212, 22213, 22214 and 22216 of 1996

1. WRIT PETITION No.22211 of 1996

Between:

K.R.Ramakrishna S/o.Rama Subbayya,
PACS Tharimela, Singanamala Mandal,
Anantapur District.

...PETITIONER

AND

1. Government of Andhra Pradesh, rep.by its Secretary, Cooperation Department, Secretariat Buildings, Hyderabad.
2. The Commissioner for Cooperation & Registrar of Cooperative Societies, Andhra Pradesh, Nampally, Hyderabad.
3. The General Manager, District Cooperative Central Bank, Anantapur, Anantapur District.
4. Avete Anuradha, typist, O/o.DCCB Limited, Anantapur.
5. Gagireddipari Varalakshmi, Typist, O/o.PACS Tadiparti, Anantapur District.
6. Mallemputi Mallikarjunudu, Clerk, O/o.PACS Mudigubba, Anantapur District.

7. Y.Ramakrishna Reddy, Counter Boy, O/o.DCCB Limited, Anantapur.

8. M.L.Narasimha Murthy, Typist, O/o.DCCB Limited, Anantapur.

(R1 is deleted as per Court order dated 30.11.2004 in W.P.M.P.No.11629 of 1997)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus directing the respondents 1 to 3 herein to absorb the petitioner in the Category-V post by following 9:1 ratio as fixed by GO.Rt.No.1271, Dt.08/08/1986 by declaring the action of the 2nd respondent according permission to regularize the services of respondents 4 to 8 in proceedings Rc.No.6317/96-C3, Dt.27/08/1996 without following 9:1 ratio is bad, violative of GO.Rt.No.1271, Dt.08/08/1986 and also declaring that the GO.Ms.No.212, Dt.22/04/1994 is not applicable to the daily wage employees of the 3rd respondent bank.

Counsel for the Petitioner: MR.A.SATYA PRASAD

Counsel for the Respondent Nos.1 and 2: GP FOR COOPERATION

Counsel for the Respondent No.8: MR.O.MANOHER REDDY

Counsel for the Respondent NoS.4, 6 & 7: MR.P.VEERA REDDY

2.WRIT PETITION NO.22212 of 1996

Between:

Thippareddigari Narasimha Reddi S/o.Chenna Reddi,
PACS Kanumukkala, Chennekothapalli Mandal,
Anantapur District.

...PETITIONER

AND

1. Government of Andhra Pradesh, rep.by its Secretary, Cooperation Department, Secretariat Buildings, Hyderabad.

2. The Commissioner for Cooperation & Registrar of Cooperative Societies, Andhra Pradesh, Nampally, Hyderabad.

3. The General Manager, District Cooperative Central Bank, Anantapur, Anantapur District.

4. Avete Anuradha, typist, O/o.DCCB Limited, Anantapur.

5. Gagireddipari Varalakshmi, Typist, O/o.PACS Tadiparti, Anantapur District.

6. Mallemputi Mallikarjunudu, Clerk, O/o.PACS Mudigubba, Anantapur District.

7. Y.Ramakrishna Reddy, Counter Boy, O/o.DCCB Limited, Anantapur.

8. M.L.Narasimha Murthy, Typist, O/o.DCCB Limited, Anantapur.

(R1 is deleted as per Court order dated 30.11.2004 in W.P.M.P.No.11551 of 1997)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus directing the respondents 1 to 3 herein to absorb the petitioner in the Category-V post by following 9:1 ratio as fixed by GO.Rt.No.1271, Dt.08/08/1986 by declaring the action of the 2nd respondent according permission to regularize the services of respondents 4 to 8 in proceedings Rc.No.6317/96-C3, Dt.27/08/1996 without following 9:1 ratio is bad, violative of GO.Rt.No.1271, Dt.08/08/1986 and also declaring that the GO.Ms.No.212, Dt.22/04/1994 is not applicable to the daily wage employees of the 3rd respondent bank.

Counsel for the Petitioner: MR.A.SATYA PRASAD

Counsel for the Respondent Nos.1 and 2: GP FOR COOPERATION

Counsel for the Respondent No.8: MR.O.MANOHER REDDY

Counsel for the Respondent NoS.4, 6 & 7: MR.P.VEERA REDDY

3.WRIT PETITION NO.22213 of 1996

Between:

P.Satyachangal Rao, S/o.Raghavendra Rao,
PACS Thadimarri Tadimarri Mandal,
Anantapur District.

…PETITIONER

AND

1. Government of Andhra Pradesh, rep.by its Secretary, Cooperation Department, Secretariat Buildings, Hyderabad.

2. The Commissioner for Cooperation & Registrar of Cooperative Societies, Andhra Pradesh, Nampally, Hyderabad.

3. The General Manager, District Cooperative Central Bank, Anantapur, Anantapur District.

4. Avete Anuradha, typist, O/o.DCCB Limited, Anantapur.

5. Gagireddipari Varalakshmi, Typist, O/o.PACS Tadiparti, Anantapur District.

6. Mallemputi Mallikarjunudu, Clerk, O/o.PACS Mudigubba, Anantapur District.

7. Y.Ramakrishna Reddy, Counter Boy, O/o.DCCB Limited, Anantapur.

8. M.L.Narasimha Murthy, Typist, O/o.DCCB Limited, Anantapur.

(R1 is deleted as per Court order dated 30.11.2004 in W.P.M.P.No.11626 of 1997)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus directing the respondents 1 to 3 herein to absorb the petitioner in the Category-V post by following 9:1 ratio as fixed by GO.Rt.No.1271, Dt.08/08/1986 by declaring the action of the 2nd respondent according permission to regularize the services of respondents 4 to 8 in proceedings Rc.No.6317/96-C3, Dt.27/08/1996 without following 9:1 ratio is bad, violative of GO.Rt.No.1271, Dt.08/08/1986 and also declaring that the GO.Ms.No.212, Dt.22/04/1994 is not applicable to the daily wage employees of the 3rd respondent bank.

Counsel for the Petitioner: MR.A.SATYA PRASAD

Counsel for the Respondent Nos.1 and 2: GP FOR COOPERATION

Counsel for the Respondent No.8: MR.O.MANOHER REDDY

Counsel for the Respondent NoS.4, 6 & 7: MR.P.VEERA REDDY

4.WRIT PETITION NO.22214 of 1996

Between:

Jakkamputi Nagabhushana, S/o.Venkatesu,
PACS Pothukunta Dharmaram Mandal,
Anantapur District.

...PETITIONER

AND

1. Government of Andhra Pradesh, rep.by its Secretary, Cooperation Department, Secretariat Buildings, Hyderabad.

2. The Commissioner for Cooperation & Registrar of Cooperative Societies, Andhra Pradesh, Nampally, Hyderabad.

3. The General Manager, District Cooperative Central Bank, Anantapur, Anantapur District.

4. Avete Anuradha, typist, O/o.DCCB Limited, Anantapur.

5. Gagireddipari Varalakshmi, Typist, O/o.PACS Tadiparti, Anantapur District.

6. Mallemputi Mallikarjunudu, Clerk, O/o.PACS Mudigubba, Anantapur District.

7. Y.Ramakrishna Reddy, Counter Boy, O/o.DCCB Limited, Anantapur.

8. M.L.Narasimha Murthy, Typist, O/o.DCCB Limited, Anantapur.

(R1 is deleted as per Court order dated 30.11.2004 in W.P.M.P.No.11543 of 1997)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus directing the respondents 1 to 3 herein to absorb the petitioner in the Category-V post by following 9:1 ratio as fixed by GO.Rt.No.1271, Dt.08/08/1986 by declaring the action of the 2nd respondent according permission to regularize the services of respondents 4 to 8 in proceedings Rc.No.6317/96-C3, Dt.27/08/1996 without following 9:1 ratio is bad, violative of GO.Rt.No.1271, Dt.08/08/1986 and also declaring that the GO.Ms.No.212, Dt.22/04/1994 is not applicable to the daily wage employees of the 3rd respondent bank.

Counsel for the Petitioner: MR.A.SATYA PRASAD

Counsel for the Respondent Nos.1 and 2: GP FOR COOPERATION

Counsel for the Respondent No.8: MR.O.MANOHER REDDY

Counsel for the Respondent NoS.4, 6 & 7: MR.P.VEERA REDDY

5.WRIT PETITION NO.22216 of 1994

Between:

Panyam Subramanya Prasad, S/o.P.S.Narasimha Murthy, 39 years, Paid Secretary, PACS Bathalapalli, Bathalapalli Mandal, Anantapur District.

...PETITIONER

AND

1. Government of Andhra Pradesh, rep.by its Secretary, Cooperation Department, Secretariat Buildings, Hyderabad.
2. The Commissioner for Cooperation & Registrar of Cooperative Societies, Andhra Pradesh, Nampally, Hyderabad.
3. The General Manager, District Cooperative Central Bank, Anantapur, Anantapur District.
4. Avete Anuradha, Typist, O/o.DCCB Limited, Anantapur.
5. Gagireddipari Varalakshmi, Typist, O/o.PACS Tadiparti, Anantapur District.
6. Mallemputi Mallikarjunudu, Clerk, O/o.PACS Mudigubba, Anantapur District.
7. Y.Ramakrishna Reddy, Counter Boy, O/o.DCCB Limited, Anantapur.
8. M.L.Narasimha Murthy, Typist, O/o.DCCB Limited, Anantapur.

(R1 is deleted as per Court order dated 30.11.2004 in W.P.M.P.No.11604 of 1997)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus directing the respondents 1 to 3 herein to absorb the petitioner in the Category V post by following 9:1 ratio as fixed by G.O.Rt.No.1271 dated 08.08.1986 by declaring the action of the 2nd respondent according permission to regularize the services of Respondents 4 to 8 in proceedings Rc.No.6317/96-C3 dated 27.08.1996 without following 9:1 ratio is bad, violative of G.O.Rt.No.1271 dated 08.08.1986 and also declaring that the G.O.Ms.No.212 dated 22.04.1994 is not applicable to the daily wage employees of the 3rd respondent bank.

Counsel for the Petitioner: MR.A.SATYA PRASAD

Counsel for the Respondent Nos.1 and 2: GP FOR COOPERATION

Counsel for the Respondent No.8: MR.O.MANOHER REDDY

Counsel for the Respondent NoS.4, 6 & 7: MR.P.VEERA REDDY

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NOs.22211, 22212, 22213, 22214 and 22216 of 1996

COMMON ORDER:

Heard the learned counsel for the petitioners.

Since all these matters involve common question, they have been taken together for disposal with this common order.

The only short question involved in these Writ Petitions is as to the entitlement of the petitioners who are the Paid Secretaries working in the respondent-Bank in regard to the ratio fixed at 9:1 for the purpose of regularizing the services of the petitioners as provided for in the G.O.Rt.No.1271 dated 08.08.1986. The petitioners virtually seek the implementation of the said ratio for the purpose of effecting promotions.

It is the case of the petitioners that even though they have been working, there is no impediment in giving such benefit. The respondents gave promotion only to the unofficial contesting respondents herein, who are only the regular employees to the detriment of the petitioners and also similarly placed Paid Secretaries.

However, it is relevant to note that on the earlier occasion, the contesting respondents herein approached this Court and filed Writ Petition being W.P.No.1859 of 1990, which was disposed of as per the orders dated 03.04.1996 with directions to the respondents herein to consider their case for regularization in terms of G.O.Ms.No.212 dated 22.04.1994. As against the said judgment, the petitioners themselves have filed an appeal before the Division Bench of this Court in Writ Appeal No.127 of 1997 and the said appeal was disposed of as per the orders dated 30.02.1997 rejecting the petitioners' claim and also on further observation that regularization of their services in a way would effect the petitioners and if they have any right to enforce them, can do so independently of their claim of the regular services of the respondents. It is pointed out that, challenging the same, the petitioners also filed appeal in the Supreme Court in S.L.P.(C). No.9045 of 1997, which had come up for hearing along with other connected matter in S.L.P.(C).

No.9044 of 1997 arising out from East Godavari District. In the East Godavari matter, the Supreme Court disposed of the matter as per the orders dated 11.08.1999 taking into consideration the total number of vacancies and thus protecting both the categories. However, in regard to the petitioners' area, the matter was adjourned for the purpose of getting instructions about the existing vacancies in Category V with the respondent-Bank. However, the petitioners are not able to show as to what orders are passed subsequent to the time granted accordingly.

Though it has been stated across the bars on behalf of the respondents that the matter has come up and the same was dismissed for default be that as it may effect arrears at par with the case of the West Godavari candidates, no similar clarification or any orders are passed in regard to the petitioners, the contesting respondents. In the said Supreme Court appeal, the petitioners themselves are the appellants and as such they are bound by the said proceedings. In the absence of any clarification as given for the East Godavari candidates, it is very difficult for the petitioners herein to raise any contention in filing these Writ Petitions. It is all along in those proceedings, the petitioners have been placing reliance only on the aforesaid G.O.Rt.No.1271, dated 08.08.1986 and claiming the very same ratio for the purpose of their promotions.

In view of the aforesaid orders of the Division Bench as confirmed in the Supreme Court, this Court cannot go once again into the similar subscription. Hence, I do not find any justification to entertain any plea or see any merits in the said complaint.

All the Writ Petitions are accordingly dismissed. However, it shall be open for

the petitioners to take up such appropriate steps or remedies to which they are entitled to under the law.

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(B.PRAKASH RAO, J)

30th November 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Commissioner for Cooperation & Registrar of Cooperative Societies, Andhra Pradesh, Nampally, Hyderabad.
2. The General Manager, District Cooperative Central Bank, Anantapur, Anantapur District.
3. Two CCs to G.P. for Cooperation, High Court Buildings, Hyderabad (OUT).
4. Two CD copies.